

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-16 remain pending. Claims 1, 5, 12, 13, and 14 are independent.

WITHDRAWAL OF PREVIOUS REJECTION

Applicants thank the Examiner for withdrawing the rejection of the claims in the previous Office Action dated March 23, 2005. *See Office Action, page 2.*

§ 102 REJECTION – AKIBA

Claims 1-2 and 5-6 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Akiba et al. (USP 6,559,967). *See Office Action, pages 2-4.* Applicants respectfully traverse.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Akiba fails to teach or suggest each and every claim element. For example, independent claim 1 recites, in part “an image data processing section for executing at least one image processing operation with

respect to digital image data” and “a condition setting section, wherein the condition setting section comprises: a set-up subsection for automatically setting initial values for image processing conditions for the at least one image processing operation.” In the Office Action, the Examiner alleges that the external interface processing unit 4 (See Figure 2 of Akiba) is equivalent to the image data processing section as recited. The Examiner also alleges that Figure 5 of Akiba discloses the condition setting section as recited. Figure 5 is a detailed illustration of the operation unit 172 shown in Figure 2. In order for Akiba to anticipate the above recited features, it must be that the operation unit 172 sets the values of image processing conditions to be carried out by the external interface processing unit 4. This simply does not occur as disclosed in Akiba.

Akiba is directed toward a copier that has capabilities to store image data in a storage region. *See col. 1, lines 5-10; Figure 1.* As illustrated in Figure 2, the copier 100 includes the external interface processing unit 4 and the operation unit 172. The configuration of the external interface processing unit 4 is illustrated in Figure 4. The purpose of the external interface processing unit 4 is to receive image data from a host computer 1000 and to output the image data to the printer unit 2 via the image memory unit 3. *See col. 6, lines 15-19.* The external interface processing unit 4 receives PDL (page description

language) data from the host computer 1000 and converts the data into bit-map data and outputs the bit-map data. *See col. 5, lines 46-49.*

On the other hand, the operation unit 172 allows a user to control the copy functions of images scanned by the image sensor unit 208. As illustrated in Figure 5, these functions include copying, faxing, and printing.

However, the operation unit 172 has no influence on the functioning of the external interface processing unit 4 whatsoever. Thus, contrary to the Examiner's allegation, Akiba cannot teach or suggest the features of the image data processing section and the condition setting sections as recited in claim 1. Accordingly, independent claim 1 is distinguishable over Akiba for at least this reason.

Independent claim 5 recites, in part "an image data processing section for executing at least one image processing operation with respect to digital image data" and "a condition setting section, wherein the condition setting section comprises: a set-up subsection for automatically setting initial values for image processing conditions for the at least one image processing operation." It is demonstrated above that Akiba does not teach or suggest these features. Accordingly, independent claim 5 is distinguishable over Akiba.

To further distinguish the independent claims from the applied art, Applicants submit the following arguments for consideration by the Examiner.

The present invention is directed to performing digital image data processing on input data based on image processing conditions which are customized according to the desires of a customer. Specifically, the present invention is directed to the process of: initially setting an initial value for an image processing condition via a set-up subsection, setting a changed value of the image processing condition customized for each customer, encoding the changed value of the set image processing condition such that the set condition registers into a database with customer information, reading out the changed value of the image processing condition set according to the customer information, and changing the initial value of the image processing condition automatically set at the set-up subsection to the changed value of the set image processing condition or the read out image processing condition.

As amended, independent claims 1 and 5 now further recite features previously recited in dependent claims 4 and 8, regarding “an image processing condition coding section”. Independent claims 1 and 5 further recite the features wherein this image processing condition coding section sets the value selected by the operation section as the image processing condition customized for each customer, encodes the set image processing condition to register into the database with the customer information, and the set value changing subsection changes the image processing condition automatically set at the

set-up subsection to the set image processing condition or the read out image processing condition.

As conceded by the Examiner with respect to claims 4 and 8 (*see Office Action, page 5*), Akiba cannot disclose these features of the independent claims. Specifically, the copier disclosed by Akiba may comprise the initial value as default or a manual setting customized by a customer. However, Akiba cannot disclose the image processing condition coding section nor the set value changing subsection having the features described above and hereby introduced into the independent claims. Accordingly, for at least this reason, independent claims 1 and 5 are distinguishable over Akiba.

The Examiner, in rejecting claims 4 and 8 (*see Office Action, page 5*) relies upon an embedding technique allegedly disclosed by the Usami reference (*see Usami, col. 18, lines 51-65 and col. 19, lines 7-15*), and also relied upon by the Examiner to reject claims 3 and 7 of the present invention. However, the feature of an image processing condition coding section is not related to the embedding technique allegedly disclosed by Usami. Specifically, the image processing condition coding section sets a value selected by the operation section as the image processing condition customized for each customer, and encodes the set image processing condition to register into the database with the customer information. Usami cannot disclose at least this feature now recited in independent claims 1 and 5. Accordingly, for at least this reason,

independent claims 1 and 5 are distinguishable over a combination of Akiba and Usami (see also the arguments presented below with respect to the § 103(a) rejection of claims 3-4 and 7-11).

Claims 2 and 6 depend from independent claims 1 and 5, respectively. Accordingly, claims 2 and 6 are also distinguishable over Akiba for at least due to their dependencies from independent claims 1 and 5.

Applicants respectfully request that the rejection of claims 1-2 and 5-6 based on Akiba be withdrawn.

§ 103 REJECTION – AKIBA, USAMI

Claims 3-4 and 7-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Akiba in view of Usami et al. (USP 6,785,814). See *Office Action, pages 4-8*. Applicants respectfully traverse.

Claims 3-4 and 7-11 depend from independent claims 1 and 5 directly or indirectly. It is demonstrated above that independent claims 1 and 5 are distinguishable over Akiba. Usami is not relied upon to correct for at least the above noted deficiencies of Akiba. Therefore, claims 1 and 5 are also distinguishable over Akiba and Usami. Accordingly, claims 3-4 and 7-11 are also distinguishable over Akiba and Usami.

Further, contrary to the Examiner's allegation, Akiba and Usami are not combinable. As noted above, Akiba is directed to a copier. As such, it

performs functions such as duplex copying, sorting and binding. On the other hand, Usami is directed toward embedding information in original data such as image data of a photograph. One of ordinary skill would not use Usami, which teaches embedding information into original data, to modify Akiba which copies images that is already printed on a printing paper.

For at least the above stated reasons, Applicants respectfully request the rejection of claims 3-4 and 7-11 based on Akiba and Usami be withdrawn.

§ 103 REJECTION – AKIBA, SUZUKI, USAMI

Claims 12-16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Akiba in view of Suzuki (USP 6,072,916), and in further view of Usami. *See Office Action, pages 9-13.* Applicants respectfully traverse.

Independent claim 12 recites, in part “a condition setting section, wherein said condition setting section comprises: a set-up subsection for automatically setting initial values for image processing conditions for the at least one image processing operation based on the digital image data” and “a fine scan data processing section ... for executing the at least one image processing operation.” It is demonstrated above that the combination of Akiba and Usami cannot be relied upon to teach or suggest these features. Suzuki is not relied upon to correct for at least the above noted deficiencies of Akiba and

Usami. Accordingly, independent claim 12 is distinguishable over the combination of Akiba, Suzuki and Usami.

Independent claim 13 recites, in part “a condition setting section, wherein said condition setting section comprises: a set-up subsection for automatically setting initial values for image processing conditions for the at least one image processing operation” and “a fine scan data processing section ... for executing the at least one image processing operation.” It is demonstrated above that the combination of Akiba, Suzuki and Usami cannot teach or suggest these features. Accordingly, independent claim 13 is distinguishable over Akiba, Suzuki and Usami.

Independent claim 14 recites, in part “automatically setting initial values for image processing conditions for the at least one image processing operation with a set-up subsection of the image processing apparatus” and “performing at least one image processing operation with respect to the digital image data with the image processing apparatus.” As demonstrated above, Akiba, Suzuki and Usami cannot be relied upon to teach or suggest these features. Accordingly, independent claim 14 is distinguishable over Akiba, Suzuki and Usami. Claims 15 and 16 depend from claim 14. Accordingly, claims 15 and 16 are also distinguishable over Akiba, Suzuki and Usami.

Furthermore, as discussed with respect to independent claims 1 and 5 above, independent claims 12, 13, and 14 have been amended to recite

features previously found in dependent claims 4 and 8, and have further been amended to recite more specific limitations in a manner similar to independent claims 1 and 5. For at least the reasons presented above with respect to claims 1 and 5, Applicants respectfully submit that independent claims 12, 13, and 14 are likewise distinguishable over any combination of Akiba, Suzuki, and Usami.

Further, it is demonstrated that Akiba and Usami are not combinable. For at least the above stated reasons, Applicants respectfully request that the rejection of claims 12-16 based on Akiba, Suzuki and Usami be withdrawn.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Michael R. Cammarata (Reg. No. 39,491), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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